ANNUAL REPORT

OF THE

ATTORNEY GENERAL

OF THE

STATE OF MICHIGAN,

FOR THE YEAR 1841.

BY AUTHORITY.

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1841.

REPORT.

To the Legislature of the State of Michigan:

In compliance with the law requiring the Attorney General "to make and submit to the Legislature at the commencement of the annual Session, a report of all the official business done by him during the preceding year," I have the honor to present the annexed schedule (marked A), which will exhibit a brief summary of the business performed by me since the 17th day of April last, when I entered upon the duties of the office. The explanatory remarks accompanying the several causes inventoried in the schedule, will present to the view of the Legislature the general character of the business transacted; and if a more particular statement is desired, it will most cheerfully be communicated.

The annexed schedule (marked B), is an abstract of the annual reports made by the Prosecuting Attorneys of the several counties, as required by law, showing the official business done by them during the past year. No reports have been received from the counties of Clinton, Ingham, Allegan, and Mackinac. With the exception of these, the schedule embraces every county in the State, and furnishes an exhibition, such as is contemplated by the law requiring it to be made of "the amount and kind of business done, the number of persons prosecuted, the crimes and misdemeanors for which such prosecutions were had; the results thereof, and the punishment awarded against the persons convicted thereon."

It will be seen that a much larger amount of criminal business is done in the county of Wayne, even in the proportion of its population, than in any other county. This is satisfactorily accounted

for, when it is considered that the city of Detroit is is situated within its limits. It has become a trueism, that crime abounds more in the town than in the country. This fact, in connection with the great facility of access to Detroit from other States, and its proximity to Canada, have conspired to render it an inviting stopping place for criminal offenders; and there exists consequently, the greater necessity for vigilance on the part of our public officers, in detecting, and prosecuting, and punishing them. The increase of crime in Wayne county, suggested the organization, in 1840, of "the district court for the county of Wayne." This is exclusively a criminal court; and while it relieves the circuit court of much of the business which formerly burdened it, it insures to those charged with crime, what they have a a right to demand, a speedy trial and a prompt acquittal or conviction. On account of this peculiarity in the criminal jurisprudence of Wayne county, I have annexed to schedule (B) copious extracts of the report of the Prosecuting Attorney of that county, in which allusion is made to the practical operation of this new court, and the benefits resulting from its establishment. Some valuable suggestions are also contained in his report, in relation to existing defects in our criminal law, requiring correction.

The law prescribing the duties of the Attorney General, has enjoined it upon him to accompany his report "with such observations and statements as, in his opinion, the criminal jurisprudence and the proper and economical administration of the criminal law of the State shall warrant and require." I would therefore invite the attention of the Legislature to a few defects which appear to exist in our laws, and respectfully recommend that they be remedied by legislative enactment.

1. At the last session of the Legislature an act was passed entitled "An act to preserve the purity of elections, &c." (See session laws of 1841, page 185.) By this law it is not declared to be a criminal offense to vote more than once at the same election, *provided the person doing so be a qualified*

voter. Section three declares that "every person, *not a qualified voter,* who shall vote more than once, &c., shall be judged guilty of a misdemeanor,"—but a *qualified voter* may vote twice or thrice with impunity. Section three, of chapter five of the Revised Laws (page 23), made proper provision for such a case; but this section was repealed by the law of last session. The omission was evidently an inadvertant one, and should be rectified.

2. Several instances have occurred during the past year, of persons having in their possession forged *certificates of deposit* (purporting to have been given by the cashiers of some eastern banks), with the intent to pass the same; but upon their arrest, it was discovered that it was not made a criminal offense, and they were discharged. Section two of chapter five, entitled "of forgery and counterfeiting" (page 634), Revised Laws, declares it to be criminal and punishable to pass any forged accountable receipt for money; but it is nowhere declared criminal to have *to have it in possession with intent to pass.* This species of crime has become one of frequent occurrence, and should be provided against.

3. The converse of the preceding case is found in section eight of the same statute. By this section it is made a punishable offense *to have in possession, with intent to pass,* counterfeit bills of banks of other States; but it is nowhere declared to be criminal to pass such bills. Instances have occurred, during the last year, of indictments found against persons for passing *counterfeit bills* of banks in other States, and quashed by the court upon the distinct ground that it was not a criminal offense by our statute. Section six of the same statute, declares that the passing of counterfeit bills of any bank in Michigan shall be punishable, but is silent as to the passing of bills of foreign banks. No good reason exists, it appears to me, for any distinction between *passing counterfeit bills,* whether they be of banks of our own or of sister States. The same moral guilt attaches in either case. And the evils

resulting from the latter are by far the greatest. Nearly all the counterfeit bills in circulation in our State, are of banks of eastern States. Indeed in the present condition of our own domestic institutions, but little temptation is presented to rogues to counterfeit their notes.

4. No provision is made by law, it is believed, for the disposition to be made of moneys collected by prosecuting attorneys upon forfeited recognizances. The twelfth section of the session laws of 1840, provides that upon the forfeiture of recognizances in criminal cases, execution may issue as in other cases; but provision is nowhere made for the disposition of such moneys, when collected. I would respectfully suggest, whether it would not be expedient to provide by law that all such moneys shall be paid to the county treasurers, and be by them appropriated, under the direction of the county commissioners, towards defraying the expenses of the courts in the several counties.

Respectfully submitted,

Z. PLATT,

Attorney General.

Detroit, December 23, 1841.